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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/021,316	10/22/2001	Mark Lucovsky	3100	9380

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Law Offices of Albert S. Michalik, PLLC
704 - 228th Avenue NE
Suite 193
Sammamish, WA 98074

EXAMINER

LEROUX, ETIENNE PIERRE

ART UNIT	PAPER NUMBER
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2161

DATE MAILED: 11/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/021,316	Applicant(s) LUCOVSKY ET AL.	
	Examiner Etienne P LeRoux	Art Unit 2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claims Status

Claims 4-37 are pending. Claims 1-3 have been cancelled. Claims 4-37 are rejected.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 4-6, 8-33 and 35-37 are rejected under 35 U.S.C. 102(b) as being anticipated by US Pat No 5,983,234 issued to Tietjen et al (hereafter Tietjen).

Claims 4, 14, 16, 29 and 35:

Tietjen discloses a method comprising:

- receiving a request [distributed directory is accessed per Fig 3, step 51, col 8, lines 6-18] to retrieve contacts data [user object Fig 1, 20, col 5, lines 55-67, target object per Fig 3, step 52] the request including associated identity information [applicable access rights, col 5, line 39, authentication and login name per Fig 1];
- reading [Fig 3, step 53, col 8, lines 6-19] from a data store to obtain contacts data based on the associated identity information;

Art Unit: 2161

- constructing [secondary replica, col 6, lines 60-67] a contacts document including at least part of the data, the document arranged according to a defined schema [col 6, line 7-16] for contacts data;
- and returning the document in response to the request [Fig 3, method 50, col 7, lines 60-67, Fig 3, step 57, col 9, lines 38-54]

Claims 5 and 15:

Tietjen discloses the wherein the schema includes at least one defined field for extending the schema [Fig 3, step 57, col 9, lines 38-55].

Claims 6, 17 and 18:

Tietjen discloses wherein the at least one defined field comprises data corresponding to a contacts display name [col 5, line 55 – col 6, line 6]

Claim 8:

Tietjen discloses a telephone number [col 5, line 55 – col 6, line 6]

Claim 9:

Tietjen discloses an e-mail address [col 5, lines 55-67].

Claim 10:

Tietjen disclose wherein the at least one defined field comprises data corresponding to a mailing address [col 6, lines 1-2].

Claim 11:

Tietjen discloses wherein the at least one defined field comprises data corresponding to a title [col 5, line 65-66]

Art Unit: 2161

Claim 12:

Tietjen discloses wherein the at least one defined field comprises data corresponding to a second phone number [inherently disclosed in col 5, lines 55-67]

Claim 13:

Tietjen discloses wherein the at least one defined field comprises data corresponding to second email address [inherently disclosed in col 5, lines 55-67]

Claim 19:

Tietjen discloses wherein the schema comprises a contacts schema [col 6, lines 26]

Claim 20:

Tietjen discloses manipulating the contacts data requested if the request is determined to be an allowable request [applicable access rights, col 5, line 39, authentication and login name per Fig 1]

Claim 21:

Tietjen discloses wherein the manipulating comprises a query manipulation [Fig 3, step 51].

Claim 22:

Tietjen discloses wherein the manipulating comprises an insert manipulation [secondary replica col 6, line 64]

Claim 23:

Tietjen discloses wherein the manipulating comprises a delete manipulation [secondary replica, col 6, line 64]

Claim 24:

Art Unit: 2161

Tietjen discloses an update manipulation [col 7, lines 24-59]

Claim 25:

Tietjen discloses a replace manipulation [Fig 3, method 50, col 7, line 60 –col 8, line 5]

Claim 26:

Tietjen discloses a send message manipulation [Fig 3, step 54, col 8, line 65- col 9, line 15].

Claim 27:

Tietjen discloses a save message manipulation [Fig 1, 12, col 20-40]

Claim 28:

Tietjen discloses a copy message manipulation [replication system, col 7, lines 30-42]

Claim 30:

Tietjen discloses computer-executable instructions for sending the constructed document to a source request [Fig 3, method 50, col 7, lines 60-67, Fig 3, step 57, col 9, lines 38-54].

Claim 31:

Tietjen discloses computer-executable instructions for determining if the request is an allowable request based on the associated identity information [applicable access rights, col 5, line 39, authentication and login name per Fig 1].

Claim 32:

Tietjen discloses computer-executable instructions for manipulating data stored in a data store based on the request for data [col 5, lines 20-40].

Claim 33:

Tietjen discloses computer-executable instructions for denying the request for data based on the associated identity information [applicable access rights, col 5, line 39 because access will be denied if authentication is not successful, Fig 1, 20].

Claim 36:

Tietjen discloses reading data from at least one field in the logical contacts [col 2, line 23].

Claim 37:

Tietjen discloses writing data to at least one field in the logical contacts document [col 2, line 23, col 6, line 64].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tietjen in view of US Pat No 5,974,416 issued to Anand et al (hereafter Anand).

Claim 7:

Tietjen discloses the elements of claims 1 and 5 as noted above. Tietjen fails to disclose wherein the at least one defined field comprises data corresponding to a contact protocol. Anand discloses wherein the at least one defined field comprises data corresponding to a contact protocol [col 2, lines 35-63]. It would have been obvious to one of ordinary skill in the art at the

Art Unit: 2161

time the invention was made to modify Tietjen to include wherein the at least one defined field comprises data corresponding to a contact protocol as taught by Anand for the purpose of allowing business automation objects to be accessed and methods to be invoked over the Internet through Web servers [col 2, lines 35-63]. The skilled artisan would have been motivated to improve the invention of Tietjen per the above for the purpose of accommodating electronic mail messages containing any parts of various types of data such as text, images, video and audio [col 2, lines 35-63].

Claim 34:

Tietjen discloses the elements of claim 29 as noted above but fails to disclose computer-executable instructions for constructing the document in an extensible markup language. Anand discloses computer-executable instructions for constructing the document in an extensible markup language [col 2, lines 35-63]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Tietjen to include computer-executable instructions for constructing the document in an extensible markup language as taught by Anand for the purpose of allowing business automation objects to be accessed and methods to be invoked over the Internet through Web servers [col 2, lines 35-63]. The skilled artisan would have been motivated to improve the invention of Tietjen per the above for the purpose of accommodating electronic mail messages containing any parts of various types of data such as text, images, video and audio [col 2, lines 35-63].

Response to Arguments

Applicant's arguments filed 7/28/2004, have been fully considered but they are not persuasive. Examiner responds as below, to applicant's arguments regarding original claims 4 and 5. Furthermore, Applicant has amended the claims and added new claims 6-37 which have necessitated above new ground(s) of rejection.

Applicant Argument No 1:

Applicant states in the second paragraph on page 15 "In contrast, the present invention is directed to a system and method for a contacts service that allows for central (e.g., over the internet) access to specific data typically stored on a server computer. More particularly, claim 4 recites receiving a request to retrieve contacts data. The cited portion of Tietjen (step 51 and 52 of Fig 3) merely discloses accessing the distributed directory and selecting a target object. Accessing a distributed directory and selecting a target object is not the same as receiving a request to retrieve contacts data.

Examiner Response No 1:

Examiner is not persuaded. Applicant states on page 15 that Tietjen's disclosure of accessing a distributed directory and selecting a target object is not the same as the claim 4 limitation "receiving a request to retrieve contacts data." Examiner is perplexed as Tietjen's disclosure relevant to supra claim limitation is clearly identified in supra office action. Furthermore, examiner notes Rule 37CFR 1.111(b) requires Applicant to "distinctly and specifically point out errors" in the examiner's action. Also, arguments or conclusions of Applicant cannot take the place of evidence. *In re Cole*, 51 CCPA 919, 326F.2d 769, 140 USPQ

Art Unit: 2161

230 (1964). In particular, Tietjen discloses the following in col 5, lines 55 through column 6, line 6:

The object 20 has a variety of associated attributes, such as "Given Name", "Last Name", "Title", etc. Each associated attribute has a value, however, sometimes values are not associated with an attribute. For example, the value for the property "Given Name" might be "George". An attribute is usually based on an attribute type, which has an attribute syntax. The data which can be entered as a value associated with the attribute is dictated by the attribute syntax. For instance, NDS version 4.1 includes the following attribute types: Back Link, Boolean, Case Exact String, Case Ignore List, Case Ignore String, Class Name, Counter, Distinguished Name, E-mail Address, Facsimile Telephone Number, Hold, Integer, Interval, Net Address, Numeric String, Object ACL, Octet List, Octet String, Path, Postal Address, Printable String, Replica Pointer, Stream, Telephone Number, Time, Timestamp, Typed Name, and Unknown. Each of these attribute types has a predetermined attribute syntax or data structure appropriate for the type of data that will be entered as a value.

Examiner maintains that Tietjen's disclosure that a target object can include given name, last name, distinguished name, e-mail address, facsimile telephone number, net address, and telephone number reads on the claimed "contacts data." Furthermore, Tietjen discloses the following in column 5, lines 36-40:

Information on the distributed directory can be created, read, modified, and shared by other nodes, such as client nodes or other server nodes, who have applicable access rights to the distributed directory

Above disclosure by Tietjen reads on the claim 4 limitation "receiving a request to retrieve contacts data."

Applicant Argument No 2:

Applicant states in the fourth paragraph on page 15 "Further yet, claim 4 recites reading from a data store to obtain contacts data based on the associated identity information. As discussed above, Tietjen is silent as to identity-based requests. Thus Tietjen cannot possibly teach reading from a data store to obtain contacts data based on the associated identity information."

Examiner Response No 2:

Examiner is not persuaded. Tietjen discloses reading from a contact store to obtain contacts data as included in supra Office action and further as demonstrated in Examiner Response No. 1. Furthermore, Tietjen discloses, in col 5, line 39, client nodes or other server nodes, have applicable access rights to the distributed directory and this disclosure by Tietjen reads on the claim 4 limitation “identity based requests.” Further support for “identity information” is provided by Tietjen in Fig 1 which includes authentication and login name for the user object 20.

Applicant Argument No 3:

Applicant states in the first paragraph on page 16 “That is, claim 4 recites constructing a contacts document according to a defined schema. The method taught by Tietjen does not construct any documents anywhere at any time. Rather, any changes to anything in the system of Tietjen are done so at the target object itself.”

Examiner Response No 3:

Examiner is not persuaded. Tietjen discloses in column 6, lines 64-65, “With a Secondary replica, clients can read, write, create and destroy entries in the distributed directory by accessing this replica.” Furthermore, Tietjen’s Figure 3 and column 7, line 60 through column 8, line 5 disclose that objects can be viewed and edited by the user. The above references read on the claim 4 limitation “constructing a contacts document.”

Applicant Argument No 4:

Applicant states in the second paragraph on page 16 “Finally, claim 4 recites returning the document in response to the request. Clearly, since Tietjen does not teach constructing a

Art Unit: 2161

contacts document according to a defined schema as discussed above, then Tietjen cannot possibly teach returning the document in response to the request.”

Examiner Response No 4:

Examiner is not persuaded. Examiner in above Office action shows that Tietjen discloses constructing a contacts document according to a defined schema. In particular, column 6, lines 17-26 discloses that the schema controls the structure of the individual objects and the relationship among the objects in the distributed directory. Furthermore, Tietjen discloses in column 4, lines 55-60 that “Client machines, e.g., Fig 1, 14, tend to run client software and server machines, e.g., Fig 1, 12 tend to run server software. Additionally, Tietjen includes a generic viewing and editing schematic system 60 for distributed directory objects. Examiner maintains that Tietjen discloses a modified document is returned to the user for display on a client node 14 as per Figure 1 and thus Tietjen reads on the claim 4 limitation “returning the document in response to the request.”

Further Applicant Arguments:

Applicant presents arguments similar to the above in the remaining paragraphs on pages 16 and 17. Examiner is not persuaded. Examiner maintains that all issues pertaining to the original and new claim limitations are adequately addressed per the above.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Etienne LeRoux whose telephone number is (571) 272-4022. The examiner can normally be reached on Monday – Friday from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (571) 272-4023.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272- 2100.

Patent related correspondence can be forwarded via the following FAX number (703) 872-9306

Etienne LeRoux

11/22/2004



SAFET METJAHIC
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100